

REMARKS

Claims 1-29 were originally filed with the application. On October 23, 2002, Applicant filed a Preliminary Amendment in which claims 1-29 were cancelled and new claims 30-38 were added. Based on the Office Action generated from the Examiner it appears that the Preliminary Amendment had not been entered at the time the Office Action was generated or the Examiner was not aware of the Preliminary Amendment. Based on Applicant's Preliminary Amendment claims 30-38 should be pending with claims 1-29 being cancelled. However, in the interest of clarity and to ensure that the amendments appearing in the Preliminary Amendment are entered, Applicant has repeated the amendments made in the Preliminary Amendment in this response. Also, Applicant hereby attaches to this response a copy of the Preliminary Amendment and a stamped postcard from the USPTO confirming the receipt of the Preliminary Amendment.

The rejection made to the now cancelled claims under 35 USC 102(e) as being anticipated by Honcharenko et al. (U.S. patent 6,349,217) are now moot. Also, the 103 rejections to various claims (now cancelled) as being unpatentable over Honcharenko et al. and further in view of Cook, Jr. (U.S. patent 5,025,593) and Honcharenko in further view of Siira (U.S. Patent 6,353,601) and or Kong (U.S. patent 6,473,619) or Logan (U.S. patent 5,721,827) are likewise moot. None of these references or any of their combination disclose a method of communicating comprising the step of modifying at least one antenna's beam width based on received radio resource allocation instructions for signals to be transmitted and/or received by the at least one antenna.

Request for Reconsideration pursuant to 37 CFR 1.111

Having responded to each and every ground for objection and rejection in the Office Action mailed on January 13, 2003, Applicant requests reconsideration in the instant application pursuant to 37 CFR 1.111 and requests that the Examiner allow claim(s) 30-38 and pass the application to issue. If there is any point requiring further attention prior to allowance, the Examiner is asked to contact Applicants' counsel who can be reached at the telephone number listed below.

Respectfully,

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